

REMARKS

I. 35 U.S.C. § 103

The Examiner has rejected claims 57-61 under 35 U.S.C. § 103(a) as being unpatentable over Franchi (U.S. Patent No. 5,770,533) in view of Gimmon (U.S. Patent No. 5,096,195), claims 62-64 over Franchi and Gimmon in view of Walker (U.S. Patent No. 6,024,640) and claims 65-79 over Franchi, Gimmon and Walker in view of Rocco (U.S. Patent Application No. 2001/0035425). These rejections are moot as claim 57 and 73-79 have been amended.

“To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). All words in a claim must be considered in judging the patentability of that claim against the prior art. In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).” MPEP 2143.03.

As described in the disclosure, lateral communication can take place between two MPUs 1 (page 22, paragraph [0069] and Fig. 18(a)). For example, a first MPU 1 can be a point-of-sale terminal operated by a casino employee while a second MPU 1 can be operated by a player. In doing so, the two units facilitate data interchange (casino employee may dispense bingo packs 43 stored in its memory to the player) without the player having to return the MPU 1 to the UDK 2 or having to wait on information being transmitted from the computer to the MPU 1. Accordingly, claims 57 and 73-79 have been amended to further recite “...and wherein said portable gaming devices are each in communication with the computer and one or more designated portable gaming devices also functioning as cashier devices.”

In contrast, the combination of Franchi and Gimmon fails to teach or suggest two portable gaming devices in communication with the central computer and one or more designated portable gaming devices also functioning as cashier devices. In Franchi, communication takes place between an individual game computer and the central

computer to minimize cheating or hacking (col. 5, line 50 – col. 6, line 52). Even the portable RSAT devices are only programmed to communicate with the individual game computer and not with each other (col. 15, line 18 – col. 16, line 54). As such, there is no teaching or suggestion in Franchi to provide a remote gaming device that is capable of communicating with another remote gaming device. Likewise, Gimmon also fails to teach or suggest two portable gaming devices in communication with each other. In Gimmon, data is downloaded between each portable game unit (GU) and a central control unit (CCU). When the GU is not in use, it is connected via a connector to the CCU. Conversely, when the GU is in use, it is disconnected from the CCU and made portable to the player (col. 3, lines 45 – col. 4, line 7). Since the combination of Franchi and Gimmon does not render the amended independent claims 57 and 73-79 obvious, then the combination of these references further in view of Walker and Rocco does not render these claims obvious either. Therefore, the rejection of claims 57 and 73-79 under Section 103 should be withdrawn.

Since claim 57 is not obvious under Section 103, then any claims depending therefrom are nonobvious, namely claims 58-72. In re Fine. Applicants have amended claims 58, 60, 63-65, 69-71 for antecedent basis and not for reasons related to patentability. Thus, claims 58-72 are patentably distinct as written and the rejection of these claims under Section 103 should accordingly be withdrawn.

II. Conclusion

It is respectfully submitted that the application is now in condition for allowance and, accordingly, reconsideration and allowance are respectfully requested. Should any questions remain regarding the allowability of the application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

Greenberg Traurig
3773 Howard Hughes Pkwy.
Suite 500 North
Las Vegas, Nevada 89169
Telephone : 702-792-3773
Facsimile : 702 792-9002

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Respectfully submitted,

By: 

Rob L. Phillips
Registration No. 40,305

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